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10/725,110	12/01/2003	Karlheinz Dorn	P02,0630-01	3328

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EXAMINER	
LOUIE, OSCAR A	
ART UNIT	PAPER NUMBER
2436	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/725,110	DORN ET AL.	
	Examiner	Art Unit	
	OSCAR A. LOUIE	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This final action is in response to the amendment filed on 01/29/2009. Claims 1-11 are pending and have been considered as follows.

Examiner Note

In light of the applicants' amendments and remarks, the examiner hereby withdraws his previous Specification Objections and withdraws his previous Claim Objections with respect to Claims 1, 10, & 11.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 & 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US-7213054-B2) in view of Lowe et al. ("WinXP Pro File Sharing").

Claim 1:

Evans et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element comprising,

- "ending a first user's access to the accessible element without unloading or restarting the accessible element, the accessible element being at least one of an application program and sensitive data" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43];
- "determining authentication data for authenticating a second user" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];
- "defining an identity and access rights depending on the authentication data for the second user" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];
- "providing access, depending on the defined access rights, to the accessible element, that has not been unloaded or restarted, by the second user" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43];

but, they do not explicitly disclose,

- "sharing a same context of the accessible element between the first user and the second user without unloading or restarting the accessible element," although Lowe et al. do suggest sharing the same files among numerous users, as recited below;

however, Lowe et al. do disclose,

- [The description and figures detail and illustrate a method by which at least one user would configure and setup their files for sharing where multiple users have access to the same files based on their username and group permissions];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "sharing a same context of the accessible element between the first user and the second user without unloading or restarting the accessible element," in the invention as disclosed by Evans et al. for the purposes of filing sharing among numerous users based on their permissions/access rights.

Claim 9:

Evans et al. and Lowe et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 1 above, their combination further comprising,

- "blocking all access rights based upon a failed attempt to authenticate a user in the first step" (i.e. "If the authentication was not a success, then in accord with step 204 (NO), process 200 returns to logon screen 100") [column 5 lines 66-67].

Claim 10:

Evans et al. disclose a computer system comprising,

- "a computer having a data storage media" [FIG 1 illustrates various forms of storage media];

- "a program stored in a memory element of the computer memory" (i.e. "A number of program modules may be stored on the hard disk, magnetic disk 29, optical disk 31, ROM 24, or RAM 25, including an operating system 35, one or more application programs 36, other program modules 37, and program data 38") [column 4 lines 19-23];
- "a software module or algorithm configured to determine authentication data for authenticating the second user with respect to the accessible element" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];
- "a software module or algorithm configured to define an identity and access rights depending on the authentication data" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];
- "a software module or algorithm configure to provide access, depending on the defined access rights, for the accessible element without unloading or restarting the accessible element" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43];

but, they do not explicitly disclose,

- "an accessible element that is at least one of an application program and sensitive data that is accessible by a first user and a same context of the accessible element that is accessible by a subsequent second user without unloading or restarting the accessible element," although Lowe et al. do suggest sharing the same files among numerous users, as recited below;

however, Lowe et al. do disclose,

- [The description and figures detail and illustrate a method by which at least one user would configure and setup their files for sharing where multiple users have access to the same files based on their username and group permissions];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "an accessible element that is at least one of an application program and sensitive data that is accessible by a first user and a same context of the accessible element that is accessible by a subsequent second user without unloading or restarting the accessible element," in the invention as disclosed by Evans et al. for the purposes of filing sharing among numerous users based on their permissions/access rights.

Claim 11:

Evans et al. disclose a computer readable data storage media having a program comprising,

- "a software module or algorithm configured to determine authentication data for authenticating a user into a data processing device with an operating system and an accessible element that is at least one of an application program and sensitive data" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user

authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];

- "a software module or algorithm configured to define an identity and access rights depending on the authentication data" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];

but, they do not explicitly disclose,

- "a software module or algorithm configure to provide access by the user, depending on the defined access rights, for a same context of the accessible element subsequent to an access of the accessible element by a prior first user without unloading or restarting the accessible element," although Lowe et al. do suggest sharing the same files among numerous users, as recited below;

however, Lowe et al. do disclose,

- [The description and figures detail and illustrate a method by which at least one user would configure and setup their files for sharing where multiple users have access to the same files based on their username and group permissions];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "a software module or algorithm configure to provide access by the user, depending on the defined access rights, for a same context of the accessible element

subsequent to an access of the accessible element by a prior first user without unloading or restarting the accessible element," in the invention as disclosed by Evans et al. for the purposes of filing sharing among numerous users based on their permissions/access rights.

3. Claims 2-5, 7, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US-7213054-B2) in view of Lowe et al. ("WinXP Pro File Sharing") and in further view of Dutcher (US-6021496-A).

Claim 2:

Evans et al. and Lowe et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 1 above, their combination further comprising,

- "performing a user switch process step that causes the method to begin again at the first step" (i.e. "the operating system will automatically switch back to the logon desktop after a user configurable timeout period") [column 5 lines 52-54];

but they do not explicitly disclose,

- "displaying a user interface, depending on the defined access rights," although Dutcher does suggest a module which controls the display interface, as recited below;
- "content of a user interface remaining unchanged until access rights have been defined again," although Dutcher does suggest user accounts having access privileges, as recited below;

however, Dutcher does disclose,

- "This module also controls the visual elements of the interface including displaying the logon panel, collecting the userid and password from the user, displaying messages, etc" [column 14 lines 17-38];
- "when the user account is established, the user may become a member of groups having access privileges. These privileges are typically set by system policies that control the functions clients are able to execute." [column 13 lines 51-62];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "displaying a user interface, depending on the defined access rights" and "content of a user interface remaining unchanged until access rights have been defined again," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of user switching among user accounts with varying access privileges.

Claim 3:

Evans et al., Lowe et al., and Dutcher disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 2 above, but the combination of Evans et al. and Lowe et al. do not explicitly disclose,

- "the content of the user interface is reduced if the renewed definition of access rights defines a more limited scope than the previous definition allowed," although Dutcher does suggest user account clean up, as recited below;

however, Dutcher does disclose,

- "The routine begins at step 106 to determine whether the user account is to be cleaned up" [column 11 lines 26-41];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "the content of the user interface is reduced if the renewed definition of access rights defines a more limited scope than the previous definition allowed," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of cleaning up user accounts.

Claim 4:

Evans et al., Lowe et al., and Dutcher disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 3 above, but the combination of Evans et al. and Lowe et al. do not explicitly disclose,

- "generating a warning message indicating a reduction in content and that the user has an opportunity to begin the method at the first step again before the reduction," although Dutcher does suggest taking actions based on the outcome of the clean up routine, as recited below;

however, Dutcher does disclose,

- "Step 106 has a positive outcome at logoff, but there may be other occasions when the user is still logged on when it will be desirable to implement the routine" [column 11 lines 26-41];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "generating a warning message indicating a reduction in content and that the user has an opportunity to begin the method at the first step again before the reduction," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of user account clean up.

Claim 5:

Evans et al. and Lowe et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 1 above, their combination further comprising,

- "starting the method from the first step again" (i.e. "the operating system will automatically switch back to the logon desktop after a user configurable timeout period") [column 5 lines 52-54];

but they do not explicitly disclose,

- "displaying a user interface in accordance with the access rights that are defined," although Dutcher does suggest a module which controls the display interface, as recited below;
- "deleting, by a User Logout procedure, content of a user interface," although Dutcher does suggest user account clean up, as recited below;

however, Dutcher does disclose,

- "This module also controls the visual elements of the interface including displaying the logon panel, collecting the userid and password from the user, displaying messages, etc" [column 14 lines 17-38];
- "If the policy is set to "delete the user account" (as signified by a value of 1 in this embodiment), a Win32 API is executed to delete the local user account" [column 12 lines 38-40];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "displaying a user interface in accordance with the access rights that are defined" and "deleting, by a User Logout procedure, content of a user interface," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of user account clean up.

Claim 7:

Evans et al. and Lowe et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 1 above, their combination further comprising,

- "starting the method from the first step again" (i.e. "the operating system will automatically switch back to the logon desktop after a user configurable timeout period") [column 5 lines 52-54];

but they do not explicitly disclose,

- "activating a screen saver by a defined condition to make a user interface illegible," although Dutcher does suggest the use of a screen saver, as recited below;

however, Dutcher does disclose,

- "WIxscreenSaverNotify ()--handles screen saver display request" [column 15 lines 33-34];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "activating a screen saver by a defined condition to make a user interface illegible," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of a screen saver.

Claim 8:

Evans et al., Lowe et al., and Dutcher disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 7 above, but the combination of Evans et al. and Lowe et al. do not explicitly disclose,

- "the defined condition is some amount of elapsed time," although Dutcher does suggest a screen saver function that takes arguments, as recited below;

however, Dutcher does disclose,

- "WIxscreenSaverNotify ()--handles screen saver display request" [column 15 lines 33-34];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "the defined condition is some amount of elapsed time," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of enabling a screen saver under a specific condition (i.e. time).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US-7213054-B2) in view of Lowe et al. ("WinXP Pro File Sharing") and in further view of Win (US-6161139-A).

Claim 6:

Evans et al. and Lowe et al. disclose a method of logging a new user into a data processing device with an operating system and an accessible element, as in Claim 1 above, but their combination do not explicitly disclose,

- "logging all access to the application program and all access to the sensitive data together with the respectively defined identity," although Win does suggest logging user activity, as recited below;

however, Win does disclose,

- "For each login attempt, the Login Tracking Service logs the user's login activity. It saves the time of last successful and unsuccessful logins and number of consecutive, unsuccessful login attempts. The last successful and unsuccessful login times are displayed to the user after each successful login. Users can thus detect if someone else has attempted to use their account" [column 9 lines 46-52];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "logging all access to the application program and all access to the sensitive data together with the respectively defined identity," in the invention as disclosed by Evans et al. and Lowe et al. for the purposes of tracking various aspects for security, debugging, and/or troubleshooting since the invention as disclosed by Win entails a network with user logins, where a logger or tracker service keeps record of the user activity.

Response to Arguments

5. Applicant's arguments filed 01/29/2009 have been fully considered but they are not persuasive.

- The applicants' argument with respect to "No teaching or suggestion is found that the users of a group is able to access an instance of the application started by another user or

that data from a file loaded into active memory by one user is accessible by another user without unloading the data from the active memory" has been carefully considered but is non-persuasive;

- The examiner notes that the current claim language reads on any shared data file, as data files are not unloaded or restarted, they are simply accessed;

- The applicant's argument with respect to "The combination of Evans and Lowe do not result in the claimed invention…This and other features of the claims are not found in the combined teachings of the references and so the invention is non-obvious…" has been carefully considered but is non-persuasive;
  - The examiner notes that the desktop environment can be viewed as the "application program";
- The applicant's argument with respect to "The clean up discussion in the reference does not suggest that a different user having lesser rights should have screen information reduced when accessing the same context of an application or data. The reference does not disclose that the same instance, or context, of an application or data is accessed by different users without unloading or restarting the accessible element" has been carefully considered but is non-persuasive;
  - The examiner notes that "lesser rights" is relative and can be viewed as indefinite since no access rights is certainly less than any other access right level;
- The applicant's argument with respect to "Win may disclose user logging but does not disclose use of a context of an accessible element without unloading or restarting" has been carefully considered but is non-persuasive;

- The examiner notes that Win was relied upon for the aspects referring to the obviousness of utilizing logs or record keeping, whereas Evans et al. was relied upon for the disclosure of the use of a context of an accessible element without unloading or restarting;

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

a. Menschik et al. (US-20050027995, US-7234064) - methods and systems for managing patient authorizations relating to digital medical data;

b. Evans (US-5924074, US-6347329) - electronic medical records system; specific to "...access, analyze, update, and electronically annotate patient data even while other providers are using the same patient record...";

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Thursday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at 571-272-4195. The fax phone number for Formal or Official faxes to Technology Center 2400 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAL
05/18/2009

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436